

V. OTHER THINGS YOU NEED TO KNOW THAT MAY EFFECT YOUR FEMA DOLLARS



PROCUREMENT **TOOLBOX**

V. OTHER THINGS YOU NEED TO KNOW THAT MAY EFFECT YOUR FEMA DOLLARS

WHEN WE DISAGREE – APPEALS PROCESS

What do you do when you disagree with a FEMA decision regarding a project funded through FEMA Public Assistance (PA)? You can file an appeal.

When an agreement cannot be reached, as a Subrecipient (Applicant) for FEMA PA grants, you can **appeal** a determination made by FEMA relating to FEMA grant assistance.

What You Need to Know

The FEMA PA **administrative appeals** process is governed by 44 CFR 206.206. The process provides **two (2) opportunities** (1st and 2nd appeals) for you to have a decision with which you disagree resolved.

- First (1st) appeal decisions are rendered by **FEMA Region VI**.
- Second (2nd) appeal decisions are determined by **FEMA Headquarters**.

When to Consider an Appeal

An appeal can be made at **any time** while participating in the FEMA PA Program.

Any eligible **Recipient** or **Subrecipient** (Applicant) may appeal any determination previously made related to an application for or the provision of **Federal assistance**. [SOURCE: 44 CFR 206.206]

Time is Critical!

When you receive a **written determination** from FEMA – and that determination is one with which you **disagree** – you have **60 days** from receipt of the notification letter of a FEMA determination to appeal.

The clock starts ticking when you receive notification of the action taken by FEMA.

Three (3) Simple Steps to Your Appeal

1. Explain in **writing** (see chart below) why you think FEMA’s decision is incorrect.
2. Include the FEMA *Federal Information Processing Standards* (FIPS) number and **disaster number** (shown at the top of your decision letter) in your letter of appeal.

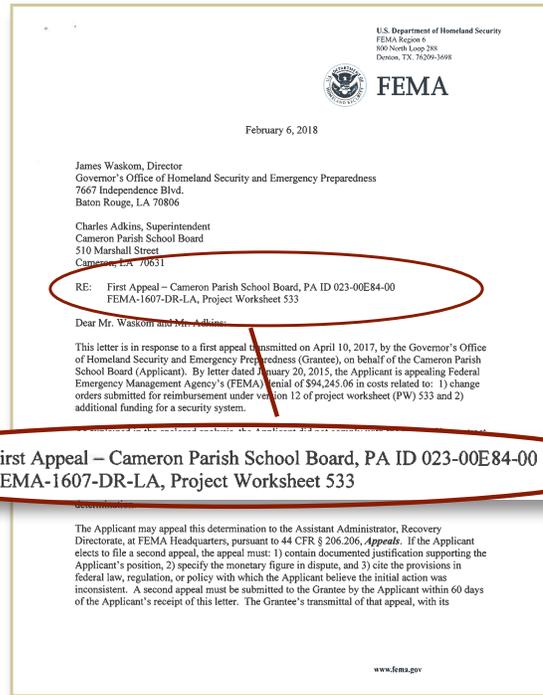


3. Submit your appeal letter within **60 days** of receipt of your notification letter of a **FEMA determination through GOHSEP** to:

GOHSEP
(ATTENTION: Public Assistance - Appeal Section)
7667 Independence Boulevard
Baton Rouge, LA 70806

OR

Email: gohsepappeal@la.gov



RE: First Appeal – Cameron Parish School Board, PA ID 023-00E84-00 FEMA-1607-DR-LA, Project Worksheet 533

ROLES + RESPONSIBILITIES [SOURCE: 44 CFR 206.206]

ACTION	FROM	TO	TIMEFRAME	DESCRIPTIONS OF REQUIREMENTS
WRITTEN APPEAL	Subrecipient (Applicant)	GOHSEP	To be received by GOHSEP within 60 days from your RECEIPT of written notification of a FEMA determination.	<p>Written appeal should include:</p> <ul style="list-style-type: none"> • Description of historical facts. • FEMA determination at issue. • Monetary figure in dispute. • Narrative citing provisions in Federal law or policy with which you believe FEMA's initial action was inconsistent. • Analysis supporting Subrecipient (Applicant) position. • Any relevant documents referenced in appeal.
REVIEW	GOHSEP	FEMA	60 days	GOHSEP reviews appeal and submits its evaluation and recommendation to FEMA.
DECISION	FEMA	Subrecipient (Applicant)	90 days	<p>FEMA renders a decision or requests additional information.</p> <p>(If FEMA requires additional information from you, you will receive a letter. Once FEMA receives the requested information, FEMA has 90 days to render a decision.)</p>



AUDITS

Federal grant Subrecipients (Applicants) are responsible for understanding and complying with a significant amount of rules and regulations applicable to FEMA disaster grants, which include those for Public Assistance (PA) and Hazard Mitigation (HM). Subrecipients (Applicants) are subject to Audits by GOHSEP, Louisiana Legislative Auditors (LLA), Office of State Inspector General (State-OIG) and the Department of Homeland Security – Office of Inspector General (DHS-OIG) to assist with regulatory compliance.

A non-Federal entity that expends **\$750,000 or more** during the **non-Federal entity's fiscal year** must have a **single audit** conducted in accordance with 2 CFR 500 et. seq. These audits are conducted by the **Louisiana Legislative Auditor (LAA); Local Office of Inspector General (Local-OIG);** and/or DHS-OIG.

Several factors are considered when determining which activities to audit. These factors include:

- The risk of **fraud, waste** and **abuse** of Federal funds;
- **Statutory** and **regulatory requirements;**
- Current or potential **dollar magnitude;**
- Requests from **Congressional, FEMA** or **State officials;** and
- Reports or allegations of **impropriety** or **problems** implementing FEMA programs.

If a Subrecipient (Applicant) is selected for audit, GOHSEP will provide an **audit liaison** to assist the Subrecipient (Applicant) in walking through the process.

Learn More

Additional information regarding **audits** can be found at:

oig.dhs.gov
lla.la.gov

Contact GOHSEP at GohsepLegal@la.gov for any questions.

The screenshot shows the 'Audits, Inspections, and Evaluations' page of the Office of Inspector General. It features a search bar and a table with columns for Report Number, Title, Fiscal Year, and Date. A mouse cursor is pointing to a row in the table.



TIPS TO PREPARE FOR AN AUDIT INCLUDE:

1. Maintaining a **contract administration system** to ensure that contractors perform in accordance with **terms, conditions** and **specifications** of their contracts or purchase orders.
2. Taking all **necessary affirmative steps** to assure the use of **small, minority, women's business enterprises** and **labor-surplus area firms** when possible.
3. Having **identified methods for monitoring** the **performance** of the Contractor to ensure that the work conforms to project design and the scope of work in the *Project Worksheet (PW)*, **quality controls** are being met, and potential delays or costs overruns are identified.
4. Maintaining **written standards of conduct** covering **conflicts of interest** and governing the **performance** of employees.
5. Maintaining **records** sufficient to detail the history of the **procurement**.
6. Designating a person to coordinate the **accumulation of records**.
7. Establishing a **separate** and **distinct account** for recording revenue and expenditures, and a **separate identifier** for each distinct FEMA project.
8. Ensuring that the **final claim** for each project is supported by amounts **recorded** in the accounting system.
9. Ensuring that each **expenditure** is recorded in the accounting system and is referenced to **supporting source documentation** such as checks and invoices that can readily be retrieved.
10. Researching **insurance** coverage and submit claims for the **maximum coverage amount**. **Credit** the appropriate FEMA project with that amount.
11. Ensuring that materials taken from **existing inventories** for use under FEMA projects are **documented** by inventory withdrawal and usage records.
12. Ensuring that expenditures claimed under a FEMA project are **reasonable** and **necessary**, are authorized under the **scope of work**, and directly benefit the project.

To read more regarding audits, see the **DHS-OIG REPORT, AUDIT TIPS FOR MANAGING DISASTER-RELATED PROJECT COSTS** at <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-120-D-Sep17.pdf>.



HOW TO GET REIMBURSED FOR DIRECT ADMINISTRATIVE COSTS (DAC)

Administrative costs that are associated with grant management and can be tracked and charged to a specific eligible project are reimbursable as Direct Administrative Costs (DAC). Here's what you need to know.

- Project management costs are **NOT** reimbursable as DAC. Management costs should be **tracked** on the *Project Worksheet* (PW) as a regular cost associated with the project.
- Funding for DAC is subject to the **same cost share** as other Public Assistance (PA) funding.

• Examples of **eligible activities for DAC reimbursement:**

- » **Site inspections.**
- » Developing detailed **site-specific damage description.**
- » Evaluating **Section 406 hazard mitigation (HM) measures.**
- » Reviewing the **PW.**
- » Preparing **small projects.**
- » Preparing **correspondence.**
- » **Travel expenses.**
- » **Collecting, copying, filing, or submitting documents** to support the claim.
- » Requesting **disbursement** of PA funds.
- » **Grant Closeout activities.**

- If the Subrecipient (Applicant) has tracked similar costs in the past as **indirect costs**, then those costs cannot be claimed as DAC in **subsequent projects**.
- Both **labor** and **travel expenses must** be tracked for individual employees, and must be applicable to a **single project**.
 - » NOTE: If a Subrecipient (Applicant) chooses to fly in a Consultant / Specialist to address an issue that spans several projects, the travel for that Specialist would NOT be eligible for DAC.
- Claimed DAC must be **reasonable** to be approved:
 - » The **type of employee** and **skill level** must be appropriate for activity performed. For example if a highly skilled engineer performs basic clerical functions, FEMA will only fund based on clerical employee pay rate.
 - » The **level of effort** required to perform the activity is considered. FEMA states that it will base its determination on the effort that FEMA staff uses to perform similar activities.
 - » For disasters declared *prior* to **August 25, 2017**, FEMA generally considers **3%** of the total project costs to be **reasonable DAC**. Any Subrecipient (Applicant) seeking a higher percentage for DAC needs to document the extra costs and provide a persuasive explanation of why they are reasonable. For disasters declared *after* **August 25, 2017**, FEMA has implemented *PA Alternative Procedures* that allow Subrecipients (Applicants) to receive up to **5%** of eligible costs in DAC.
- A Subrecipient's (Applicant's) costs associated with appealing a FEMA decision **may** be eligible for **reimbursement** as DAC. The costs will only be held eligible if the appeal results in an **increase** in grant funding.



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PROCUREMENT – THINGS TO DO! NOT TO DO!

Pre-Disaster Contracts

DO'S	DON'TS
<ul style="list-style-type: none"> Comply with FEMA, State and local procurement laws, regulations, rules and ordinances. Follow the most restrictive rule. Include all required contract provisions in resulting Contract. Regularly review and rebid to ensure market-driven reasonable prices. Coordinate with other like jurisdictions to possibly undertake a joint procurement. Undertake the six (6) required affirmative steps to include small, women-owned and minority business enterprises and labor surplus firms (see page 71). Contact GOHSEP Legal with questions and for compliance assistance. 	<ul style="list-style-type: none"> Use and then not review and rebid <i>at least every three (3) years</i>. Some may need to be reviewed and rebid more often. Use geographic or local preferences.



Emergency Contracting

DO'S	DON'TS
<ul style="list-style-type: none"> • Have pre-positioned contracts in place that you procured <i>prior</i> to the disaster incident period. These can be used right away and for the duration of the need. • Once the emergency or exigency period is over, transition to a competitive procurement with full and open competition. • If possible, even during the incident period, use proper procurement methods. • Award time and materials (T + M) contracts only when <i>necessary</i> and always include a ceiling or not-to-exceed clause. • Include the required contract provisions, even in emergency contracts. • Contact GOHSEP Legal with questions and for compliance assistance. 	<ul style="list-style-type: none"> • Award contracts to those with whom you have a conflict of interest. • Keep an improperly procured Contractor simply because you do not want to undertake a full and open procurement. • Make cardinal changes (very significant changes) to a contract scope or amount without re-procuring. • Piggybacking off of another jurisdiction's existing contract.



INSURANCE CONSIDERATIONS

Insurance proceeds are an important component of emergency and disaster recovery. It is important to know . . .

- FEMA requires Subrecipients (Applicants) located in a Special Flood Hazard Area (SFHA) to carry flood insurance **equal to** either the value of their property or **\$500,000**, whichever is **lower**:
 - » **SFHA Zones** are generally designated as “AE” or “V” Zones.
 - » Public Assistance (PA) funding for which the Subrecipient (Applicant) is eligible are *reduced* by proceeds from **insurance claims**.
- If a Subrecipient (Applicant) in an SFHA does **not carry** the required level of flood insurance, FEMA reduces **funding** of the PA project by the amount of insurance that the Applicant was *required* to carry.
- Regardless of flood zone designation, a Subrecipient (Applicant) who received PA funding in the past is required to **obtain** and **maintain** (O + M) **sufficient insurance** to cover the amount of *previous* damages.
 - » The type of insurance obtained after previous assistance must cover the **same type of damage** (flood vs. non-flood).
- If a Subrecipient (Applicant) cannot afford to maintain the level of insurance required, the Subrecipient (Applicant) may seek an *Insurance Commissioner’s Certification* (ICC). The ICC *reduces* the level of insurance required of a Subrecipient (Applicant) when the Insurance Commissioner determines that the required level of insurance is **not reasonably available** to the Subrecipient (Applicant).
 - » To qualify for an ICC, a Subrecipient (Applicant) *must* obtain the **maximum amount** of *National Flood Insurance Program* (NFIP) insurance or other, similar, insurance available to them.

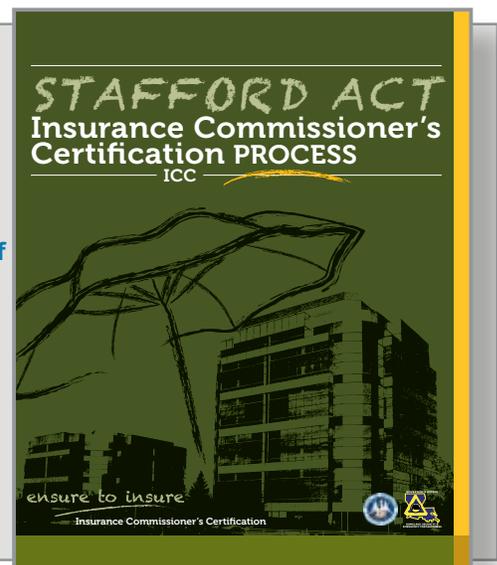
Learn More

To **learn** more about **FEMA PA insurance requirements**:

- **Download** the GOHSEP produced Stafford Act: Insurance Commissioner’s Certification (ICC) Process brochure: gohsep.la.gov/Portals/0/Documents/Publications/ICCbroschure.pdf
- **Contact** your **GOHSEP Insurance Specialist** at **225.379.4028** or LAPAINsurance@la.gov

To learn more about **Public Assistance Program** (PA), please **visit**:

- **PA Insurance Requirement** page: gohsep.la.gov/GRANTS/RECOVERY-GRANTS/Public-Assistance/Insurance-Requirements



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STAFFORD ACT

Insurance Commissioner's Certification PROCESS

ICC



PURPOSE OF THIS PUBLICATION

To raise **awareness** and to serve as a job aid so users better understand **when** and **how** to apply for an *Insurance Commissioner's Certification* (ICC).

INTENDED AUDIENCE

For any Subrecipient (Applicant) or entity that has received, or might receive, **Federal Emergency Management Agency (FEMA) Public Assistance (PA) funds**; State, Parish, city or other local government officials, including elected leadership, chief administrative officers (CAOs), chief financial officers (CFOs), risk managers and insurance professionals; private nonprofits (PNPs) that have received or might receive FEMA PA funds; and other disaster recovery stakeholders.

ensure to insure

Insurance Commissioner's Certification

What YOU need to know NOW!

Dear Louisiana Disaster Recovery Stakeholder,

As a **condition** of receiving FEMA Public Assistance (PA) funding, Subrecipients (Applicants) must **obtain** and **maintain** insurance coverage, often called the O + M requirement, **at least equal to the amount of the eligible damage** to the facility receiving Federal assistance.

The purpose of the O + M requirement is to **protect against future loss** from the same type of peril.

INSURANCE COMMISSIONER'S CERTIFICATION (ICC)

Sometimes insurance market conditions prevent your ability to **reasonably** meet the O + M requirement. The *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) then allows you to apply for an *Insurance Commissioner's Certification* (ICC). **The ICC acts as a declaration that some portion of the O + M requirement is not reasonably available** to a FEMA PA Subrecipient (Applicant). It may be the best way to ensure your *continued* eligibility for FEMA PA funding if you incur damage to insurable assets in a **subsequent disaster**.

The **Louisiana Commissioner of Insurance**, working with the **Governor's Office of Homeland Security and Emergency Preparedness** (GOHSEP), has established **criteria** you must meet to be eligible for an ICC. **This brochure is designed to help you understand the criteria and the process when applying for an ICC.**

Check with your risk manager and/or insurance professionals to see if an ICC is right for you. If you believe you qualify for an ICC, you must submit your application and **required** documentation to GOHSEP.

If the insurance required by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) is not **reasonably available**, the Subrecipient (Applicant) must **demonstrate compliance with the Insurance Commissioner's established criteria and follow the *Insurance Commissioner's Certification* process.**

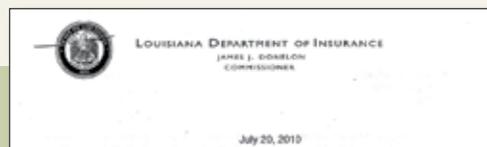
ensure to insure

Insurance Commissioner's Certification



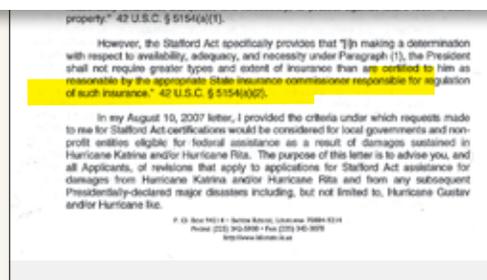
Why an ICC may be needed

- A Subrecipient (Applicant) who has not *obtained and maintained* required insurance (for the full amount of FEMA PA eligible damages) in a **current disaster** is at risk for **de-obligation of that funding**.
- **Eligibility for future FEMA PA funding** requires Subrecipients (Applicants) to *obtain and maintain* insurance for **each damaged facility** (in at least the amount of *previously* eligible damages) that has received FEMA PA funding in a *prior* disaster of the same type.
- A Subrecipient (Applicant) that cannot **reasonably obtain and maintain** the required level of insurance coverage can apply for an ICC. For future PA eligibility, FEMA does not require greater amounts of insurance than certified as reasonable by the State Insurance Commissioner.
- Facilities that sustained **eligible damages less than \$5,000** do not have an O + M requirement.



"... the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner ..."

"... I hereby certify that commercial insurance coverage for the perils of flood and wind is not reasonably available to Applicants in order to procure property insurance coverage for the full amount of their eligible disaster assistance ..."



How it works

An ICC **applies only** to the O + M requirements applicable to the **storm** or **hazard specified** in the application.

Once a Subrecipient (Applicant) **provides evidence** that the **type** and **extent** of insurance required by the **FEMA PA Program** are **not reasonably available**, the Insurance Commissioner can issue an ICC. It's important to know:

- If granted an ICC, a Subrecipient (Applicant) must maintain **insurance coverage consistent with that in place at the time of the initial certification**.
- Should another major disaster strike, resulting in the Subrecipient's (Applicant's) need for additional Stafford Act assistance, a **new application** for a certification applicable to that disaster is required.

Roles + responsibilities

SUBRECIPIENT (APPLICANT)

You are responsible for **risk management**.

It is important to know that **private insurance** is the first source of help after a disaster. FEMA PA (and other Federal support) is supplemental in nature and available when communities are overwhelmed by a disaster and after insurance benefits and other local or State resources have been exhausted.

INSURANCE COMMISSIONER

The Louisiana Commissioner of Insurance is charged with determining whether required O + M insurance is **reasonably available**. Stafford Act Section 311 states, *"... the President shall not require greater types and extent of insurance than are certified ... as reasonable by the appropriate State Insurance Commissioner."* The Louisiana Commissioner of Insurance issued a *Letter to the President* July 20, 2010 certifying that certain types and amounts of insurance were not **reasonably available** to Louisiana FEMA PA Subrecipients (Applicants).

Blanket policies

Subrecipients (Applicants) utilizing **blanket** or **scheduled policies, pooling arrangements** and **layered programs** should also consider an ICC.

Increased deductibles

In a post-disaster insurance market, insurance carriers attempt to protect themselves from future losses of the same type. One of the methods they use is to **increase deductibles**. This results in a significant increase in out-of-pocket cost to the Subrecipient (Applicant) in the event of future damage. The Insurance Commissioner stipulates that the **deductible cannot exceed 15% of property insurance coverage** and **cannot be combined with business interruption insurance coverage**.

Not a guarantee . . .

Demonstrating you have met the criteria set by the Insurance Commissioner and followed the process is not a guarantee that an ICC will be granted. If granted, **an ICC does not exempt a Subrecipient (Applicant) from procuring insurance coverage. You still must carry insurance to the extent that it is reasonably available to you.**

REMEMBER:

- FEMA PA is **supplemental**. It does not replace other assistance (including insurance).
- FEMA PA grants are only provided for **Presidentially declared disasters**.

ESTABLISH
MINIMUM
BUDGET



ICC REQUEST



INSURANCE COMMISSIONER'S
DECISION



PROCUREMENT

DOCUMENTATION
REVIEW



Certification criteria

The ICC process requires that you spend what the Insurance Commissioner has determined is a minimum amount on appropriate insurance coverage based on the **type of entity you are**.

GOHSEP has worked closely with the Insurance Commissioner to **develop a process** allowing Subrecipients (Applicants) to pursue an ICC when **full O + M requirements cannot reasonably be met**.

The Subrecipient (Applicant) must **demonstrate compliance** with the criteria set by the Insurance Commissioner and follow the Commissioner's **certification process** to be considered for an ICC.

MINIMUM INSURANCE BUDGET

- A Subrecipient (Applicant) must allocate a **reasonable portion of its current annual operating budget** to the purchase of **property insurance**, including **wind and flood coverage**, for each of its properties that are the subject of FEMA PA grants.
 - The required yearly minimum insurance budget is expressed as a **percentage of annual operating budget**.
 - The percentage is defined specifically for **different entities**.
 - **The schedule** established by the Insurance Commissioner for Subrecipient (Applicant) to use in determining a minimum insurance budget is shown in the table below.

- When calculating a minimum insurance budget . . .
 - DO base it on your **prior year's audited financial statement**.
 - Do NOT include **capital outlays**.

INSURANCE PROCUREMENT GUIDELINES

- A Subrecipient (Applicant) must also follow **guidelines** defined by the Insurance Commissioner for the **type of insurance** procured:
 - Obtain and maintain **maximum amount** of insurance **available** through the **National Flood Insurance Program (NFIP)** for:
 - **Building and contents** for **every facility** that sustained flood damage as a result of the disaster.
 - Procure **property** coverage (including wind and other perils, exclusive of flood) up to **replacement costs**.
 - With **remaining funds**, procure excess flood coverage.

NOTE: Cost of business interruption insurance is separate and cannot be used to meet your percentage of budget requirement.

TABLE: Minimum budget for insurance expressed as a percentage of annual operating budget

Organization Type	Percentage of Operating Budget
Local Government	0.33%
Elementary and Secondary Education	0.29%
Post-Secondary Education	0.17%
Health Care	0.26%
Nonprofit Association	2.91%
Nonprofit Trust	1.41%
Nonprofit Religious	2.61%

*Please note that this is a **minimum percentage** schedule for the purpose of determining a reasonable insurance budget. It **cannot** be used as rationale to reduce insurance if the current expenditure exceeds the listed percentage amounts.*

Contact your risk manager or insurance professional if you think an ICC might be right for you.

If you have questions regarding an ICC, please contact:



Governor's Office of Homeland Security and
Emergency Preparedness (GOHSEP) Insurance Team

225-376-5330
lapainurance@la.gov

Louisiana Department of Insurance (LDI)



Warren Byrd
225-342-5203
wbyrd@ldi.la.gov

lapainurance@la.gov
Visit LouisianaPA.com for an ICC application.



getagameplan.org



IMAC + EMAC

Both the **Intrastate Mutual Aid Compact (IMAC)** and the **Emergency Management Assistance Compact (EMAC)** are tools to **connect resources** for the **prevention** of, **response** to and **recovery** from an emergency or any other event that exceeds resource capacity.

IMAC: *Intrastate Mutual Aid Compact; Parish-to-Parish assistance.*

EMAC: *Emergency Management Assistance Compact; State-to-State assistance.*

The below chart identifies what each does and how to access these valuable response and recovery tools.

<p style="text-align: center;">IMAC LA RS 29:739</p>	<p style="text-align: center;">EMAC LA RS 29:733 PL 104-321</p>
<ul style="list-style-type: none"> • By executing an IMAC request, authorized representatives from <i>both</i> the assisting and requesting Parish, enter into a Contract to provide and reimburse for services to be rendered under the IMAC. • <i>Requesting</i> Parish must: Declare a state of emergency <i>prior</i> to requesting assistance, document the mutual aid process from declaration through reimbursement, identify the resources needed and agree on a price and scope. • <i>Assisting</i> Parish must: Verify the details of the request for assistance, ensure receipt of proper authorization from a requesting Parish <i>prior</i> to deploying resources and agree on a price and scope. • Both <i>requesting</i> and <i>assisting</i> Parish must: Utilize the State emergency management process (WebEOC), adhere to the guidelines set out in the National Incident Management System (NIMS), and participate in an <i>After Action Review (AAR)</i> and implement corrective actions. • The requesting Parish reimburses the assisting Parish. 	<ul style="list-style-type: none"> • EMAC is a nationally adopted mutual aid agreement that enables States to share resources during emergency events or disasters. • <i>Requesting</i> State must: Declare a state of emergency due to a natural or man-made emergency or disaster, identify the resource need and identify the shortfalls in which assistance is needed, request resources through the National EMAC system, and agree to a price and scope. • <i>Assisting</i> State must: Identify available resources in response to a request made in the system and mobilize and deploy in accordance with the agreement. • Requesting State reimburses the assisting State. <p>See the new Louisiana Administrative rules governing EMAC at doa.la.gov/Pages/osr/reg/regs2017.aspx.</p>



Mission Ready Packages (MRPs)

MRPs are **specific response and recovery capabilities** that are **organized, developed, trained** and **exercised prior** to an emergency or disaster. MRPs are **based on NIMS resource typing** – defining and **categorizing, by capability**, the resources requested, deployed and used in incidents – and taking the concept one (1) step further by considering the:

MISSION

- **Limitations** that might impact the mission;
- Needed **equipment, commodities** and required **support** to successfully achieve the mission;
- Footprint of the space needed to **stage** and complete the mission; and
- Estimated costs.

MRPs also include **credentialed personnel** – those who are identified by the resource provider as having the **knowledge, skills** and **abilities** needed to conduct the specific mission for which MRP is to be deployed.

Resource providers should work in cooperation with State emergency management agencies to develop MRPs.

Learn More

To learn more about **IMACs** contact:

- Your **Parish Office of Homeland Security and Emergency Preparedness (OHSEP)** or
- GOHSEP-Operations@la.gov

To learn more about **EMACs** and **Mission Ready Packages (MRPs)**, visit the following websites:

- emacweb.org/
- fema.gov/pdf/emergency/nrf/EMACoverviewForNRF.pdf

OR Contact:

- GOHSEP EMAC Coordinator at 225.925.7517 or
- Email Victoria.Carpenter@la.gov



FEMA Public Assistance 406 HAZARD MITIGATION Opportunities

PURPOSE OF THIS PUBLICATION

To raise awareness and encourage utilization of **hazard mitigation measures** that reduce or eliminate the threat of *future* similar damage to facilities that are repaired, restored or reconstructed after a disaster. Assistance is available through the Federal Emergency Management Agency (FEMA) Public Assistance (PA) program and authorized under **Section 406** of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act), 42 U.S.C. 5172.

INTENDED AUDIENCE

This publication is intended for **local** and **State** officials, Federally recognized **Tribal governments**, those **applying** for and/or **receiving** recovery-funding grants through the **FEMA PA** program and other disaster-recovery and mitigation **stakeholders**.



Here's how.

GETTING STARTED IS AS EASY AS 1, 2, 3, 4 . . .

Step 1: When **evaluating disaster damages**, Subrecipients (Applicants) are encouraged and **responsible to identify potential hazard mitigation opportunities**.

Step 2: Hazard mitigation opportunities are then **evaluated** for cost effectiveness and **applicability** (see previous panel).

Step 3: Subrecipients (Applicants) prepare a **Hazard Mitigation Proposal (HMP)**.

The HMP must:

- Identify cause + damages to be **mitigated**;
- Include **proposed** mitigation measures;
- Demonstrate **methodology** (including scope of work [SOW], determination of cost effectiveness, etc.) used to **determine applicability** of proposed mitigation measures.

Step 4: HMP is **submitted** through GOHSEP to FEMA.

Proposed 406 HM measure(s) **must be approved** by FEMA **prior** to start of work to ensure **eligibility** and **compliance** with Federal requirements.

IMPORTANT TO KNOW

- Frequently, due to the urgency of repair, potential mitigation measures are **not fully explored**, leaving the disaster damage/repair cycle to repeat in future events.
- **Both 404 + 406** HM funding can be used in **combination** on certain projects. FEMA will help you determine the appropriate split. (To learn more, please visit [fema.gov/media-library/assets/documents/15271](https://www.fema.gov/media-library/assets/documents/15271) and <https://www.fema.gov/hazard-mitigation-grant-program>.)
 - You must be able to identify **specific mitigation** work to be accomplished under **each separate program**.
- Those applying for 406 HM funding through the FEMA PA program should be **aware** there may be a **non-Federal** or **local cost share**.

HAZARD MITIGATION PROPOSAL (HMP) TEMPLATE

- If the approved project involves a **completely new** or **replacement facility** on the same or different site, 406 HM funding cannot be used.
- 406 HM funding **may be approved** for an **Improved Project (IP)** – any project where **additional improvements** are made to the facility while making disaster repairs.
- 406 HM funding **will NOT** be applied toward an **Alternate Project (AP)** – the alternative use of project funding to repair, replace or newly construct **alternative public infrastructure** on the same or different site.
- **If mitigation work begins prior to FEMA approval, funding for the entire project may be jeopardized.**



AFTER MITIGATION: PUMP STATIONS WITH ELEVATED CONTROL BOX



AFTER MITIGATION: ROLL-DOWN SHUTTERS ADDED TO STOREFRONT

Hazard mitigation (HM) defined . . .

Hazard Mitigation (HM) is defined in Federal law [44 Code of Federal Regulations (CFR) 201.2] as any *sustained action* taken to **reduce** or **eliminate** the **long-term risk** to human **life** and **property** from hazards.

Funding sources

There are **multiple funding sources** available to **eligible Subrecipient (Applicant)** for BOTH *post-disaster* as well as *non-disaster HM activities*.

Funding sources are **authorized** through the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act), Sections 404, 406 and 203; Sections 1323, and 1366 of the *National Flood Insurance Act of 1968* (NFIA).
[SOURCE: FEMA Recovery Policy (RP) 9526.1]

POST-DISASTER MITIGATION FUNDING

- **FEMA PA 406 HM ASSISTANCE GRANTS**

Stafford Act provides **authority** to fund the repair, restoration or replacement of **damaged** facilities as a **result of a disaster**. **Additional funding** for **HM measures** may be available through Section 406 of the Stafford Act. This is typically referred to as 406 HM. [SOURCES: Stafford Act §406(c)(1)(B)(iii); 44 CFR 206.226; FEMA RP 9526.1 – *Hazard Mitigation Funding Under Section 406* (Stafford Act)]

- **FEMA 404 HAZARD MITIGATION GRANT PROGRAM (HMGP)**

There is also funding for **post-disaster** hazard mitigation measures through the **FEMA Hazard Mitigation Grant Program (HMGP)**, authorized under **Section 404** of the Stafford Act. This is also called 404 HM.

Because **both** the 406 HM program and the 404 HMGP program are available as a result of a disaster, it is easy to get them **confused**. It is important to know that **BOTH of these resources may be available** to fund **post-disaster** mitigation initiatives.

POST-DISASTER MITIGATION	
406 Hazard Mitigation (HM)	404 Hazard Mitigation Grant Program (HMGP)
Post-disaster	Post-disaster
Funding through FEMA PA Program	Funding through FEMA HMGP Program <i>Funding is limited.</i>
Incident-specific Grants	Multi-hazard/Area-wide Grants
Funding available for Disaster-damaged Elements of Facilities Only	Funding available for Damaged + Non-damaged Facilities

NON-DISASTER RELATED MITIGATION FUNDING

- **FEMA ANNUAL HM GRANTS**

There are other grant opportunities available through the FEMA annual competitive grants process for non-disaster mitigation measures.

This publication focuses on PA post-disaster 406 HM.

For more information about other grant opportunities, please see the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) publication **the NEW 10 things to know about funding hazard mitigation** at: gohsep.la.gov/publications.aspx OR go to **FEMA's Hazard Mitigation Assistance (HMA)** page at: fema.gov/hazard-mitigation-assistance

Fundamentals of FEMA PA 406 hazard mitigation (HM)

APPLICABILITY

406 HM funding can **only** be spent on **eligible permanent repair work**. [SOURCE: FEMA RP 9526.1]

406 HM measures **MUST** be **cost effective**.

406 HM can be used **only** to fund protective measures that **reduce or eliminate** the threat of *future similar* damages to a **disaster-damaged** element or facility.

COST EFFECTIVENESS

FEMA requires all HM projects to be **cost effective**. Cost effective simply means that benefits (avoidance of future damages) of a mitigation measure are appropriate to the expenditure. Benefits must **equal** or **exceed** the cost of the hazard mitigation measure.

Cost-effective mitigation measures include:

- Applicable mitigation measures that cost up to **15%** of the **total eligible repair cost** (e.g. equipment elevation, window shutters, hurricane clips, headwalls, floodwalls, erosion control, etc.).
- Certain mitigation measures (see Appendix A of FEMA RP 9526.1) are **predetermined** as cost effective *if* the cost of the mitigation measure:
 - **Does not exceed 100%** of the **total eligible cost** of the **eligible repair work** on the project;
 - Is **appropriate** to the disaster damage (e.g. wind, flood, rain, etc.);

- Prevents **future** similar damage;
- Is **directly related** to the eligible damaged elements;
- **Does not** increase risks or cause adverse effects to surrounding areas or damage from another hazard;
- Is technically **feasible** for the hazard + location; and
- Meets **requirements** stipulated in policy + law + regulation.

Those measures include:

- **Drainage + crossings + bridges**
- Sanitary/storm **sewer systems**
- **Wastewater treatment plants**
- **Potable** water systems
- **Electrical** power distribution systems
- Above ground **storage tanks**
- Underground **pipelines**

For those mitigation measures that **do not fall within** the above two (2) categories, an **acceptable Benefit-Cost Analysis (BCA) methodology must be used to demonstrate cost effectiveness**.

To learn more, please visit: [fema.gov/benefit-cost-analysis](https://www.fema.gov/benefit-cost-analysis).

EXAMPLE

SCENARIO 1: A project cost **\$2M** to restore a flooded building to its pre-disaster condition. FEMA can approve **up to an additional \$2M** in 406 HM funding for cost-effective, mitigation measures.

SCENARIO 2: A project cost **\$2M** to restore. The proposed mitigation measures cost **more than \$2M** – an analysis is **required** to determine if the additional expenditure is **cost effective**.



BEFORE MITIGATION: ROAD NEAR HOLLY BEACH ERODED

AFTER MITIGATION: ROAD NEAR HOLLY BEACH EROSION CONTROL MATS

406 HM is an important post-disaster funding opportunity!

Here's why.

Damage to **public infrastructure** can vary greatly, **depending upon the location, condition and magnitude** of a disaster. Mitigation helps **fund solutions** to safeguard your community.

VALUE OF MITIGATION MEASURES

- Hazard mitigation measures result in **safer + stronger** communities by **reducing loss of life** and/or **property** due to an **emergency** or **disaster**.
 - Stronger communities **lessen physical** and financial impacts of disaster at the State + Federal level and to local + Tribal communities.
- Hazard mitigation measures result in **more resilient communities**, enabling them to **recover** more rapidly from future disasters.

PERMANENT WORK CATEGORIES

C Roads + Bridges
D Water Control Facilities
E Buildings + Equipment
F Utilities
G Parks + Recreational + other

It makes sense to break the cycle of damage-repair-damage-repair . . .

For every \$1 spent on mitigation, approximately \$4 are saved in future reduced losses.*

(SOURCE: *United States Congressional Budget Office, *Potential Cost Savings from the Pre-Disaster Mitigation Program*, 2007.)



BEFORE MITIGATION: CULVERTS WASHED OUT DURING EVENT



AFTER MITIGATION: NEW CULVERT WITH PROTECTIVE HEADWALL

ACRONYMS

AP	Alternate Project
BCA	Benefit-Cost Analysis
CFR	Code of Federal Regulations
FEMA	Federal Emergency Management Agency
GOHSEP	Governor's Office of Homeland Security and Emergency Preparedness
HM	Hazard Mitigation
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
HMP	Hazard Mitigation Proposal
IP	Improved Project
NFIA	National Flood Insurance Act
PA	Public Assistance
PACL	Public Assistance Crew Leader
RP	Recovery Policy
SAL	State Applicant Liaison
SOW	Scope of Work

REFERENCES

44 CFR
ecfr.gov/cgi-bin/text-idx?SID=55b626c34d6c81858c72b0fddaaeff485mc=true&tpl=/ecfrbrowse/Title44/44chapter1.tpl

FEMA Benefit-Cost Analysis
fema.gov/benefit-cost-analysis

FEMA Benefit-Cost Analysis Toolkit Version 5.1
fema.gov/media-library/assets/documents/92923

FEMA Public Assistance Program and Policy Guide (PAPPG) – FP 104-009-2 / April 2017
fema.gov/media-library/assets/documents/111781

FEMA 549 – Hurricane Katrina in the Gulf Coast: Mitigation Assessment Team Report – Building Performance Observations, Recommendations, and Technical Guidance – 2006
fema.gov/media-library/assets/documents/4069

FEMA P-787 – *Catalog of FEMA Building Science Branch Publications and Training Courses* – April 2015.
fema.gov/media-library/assets/documents/12909

Small Business Toolkit: Tools and Resources to Plan, Prepare and Protect
fema.gov/preparedness-checklists-toolkits

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended
fema.gov/media-library/assets/documents/15271



**For more information on 406 Hazard Mitigation (HM),
contact your GOHSEP Public Assistance (PA) State Applicant Liaison (SAL) OR
FEMA Public Assistance Coordinator
OR
Call GOHSEP at 225-925-7500.**



EHP environmental + historic preservation

PURPOSE OF THIS PUBLICATION

To provide awareness and guidance for the **preservation** and **protection** of the natural and cultural aspects of **environmental** and **historic resources** when seeking Federal assistance.



INTENDED AUDIENCE

This publication is intended for local and State officials, Federally recognized Tribal governments and other **disaster-recovery** stakeholders **applying for** and/or **receiving recovery funding** through Federal Emergency Management Agency (FEMA).

Environmental + Historic Preservation (EHP) review

All Federally funded projects **must** comply with the *National Environmental Policy Act* (NEPA) of 1970, as amended. [42 USC 4321 & 4331-4335] Under NEPA, the Federal agency responsible for funding a project **must consider** the project's *impacts* on the **natural, cultural** and **socioeconomic** conditions. In the environmental and historic preservation (EHP) world, you may hear that called **impact**.

Failure to comply with NEPA can result in project **delays** and **denial** of funding. The Federal Emergency Management Agency (FEMA), through the Environmental and Historic Preservation (EHP) Program, engages in a **review process** (EHP review) to ensure FEMA-funded activities comply with NEPA.

To understand the **FEMA EHP review** and formulate a **project schedule** that adheres to **Federal grant-funding requirements**, you need to know about EHP concerns that could have an impact on your project.

WHAT DETERMINES THE DEPTH OF EHP REVIEW?

All projects funded through FEMA receive an **EHP review** that identifies if and what **conditions** are needed to ensure compliance. The depth of EHP review is dependent on a number of factors.

- *Special Consideration Questions* form as a tool to trigger reviews for **possible negative impacts to protected resources** from your proposed project.
- Other FEMA-funded grant programs utilize the project *Scope of Work* (SOW) to determine the level of EHP review needed.

Regardless of the FEMA grant program to which you are applying, the SOW and the **project's location** determine the depth of EHP review.

The FEMA EHP Team considers a range of Federal laws, regulations and *Executive Orders* (EOs) to ensure **compliance** prior to funding.

AVOID DELAYS WITH EHP REVIEW

Those applying for (Applicants) or those receiving (Subrecipients) FEMA assistance can greatly aid FEMA in *streamlining* the EHP review by:

- Writing detailed **project descriptions**.
- **Anticipating requirements** under applicable laws (see insert).
- Designing projects to **address requirements** or **avoid problem areas** by involving FEMA EHP during the early planning stages of your project.

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
SPECIAL CONSIDERATION QUESTIONS

8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work?
 Yes No Unsure

U.S. DEPARTMENT OF HOMELAND SECURITY
(DHS) FEMA SPECIAL CONSIDERATIONS
QUESTIONS, FF 90-120

Remember . . . any changes to approved SOW results in an additional EHP review!

FEMA ROLE

FEMA EHP reviews the **proposed SOW** for **compliance** with Federal environmental and historic preservation laws and EOs. The FEMA EHP program integrates the protection and enhancement of environmental, historic and cultural resources into FEMA's mission, programs and activities, to include disaster response, recovery and emergency preparedness.

FEMA consults with **regulatory agencies** and **other interested parties** to determine the impacts and requirements for project compliance. FEMA is required to notify **the public, Tribal government** representatives, **historic societies** and **other stakeholders**. [44 CFR Parts 9 &10]

FEMA EHP provides environmental and historic preservation **technical assistance** to local, State, and Federal partners, grantees, and Subrecipients for compliance with Federal environmental and historic preservation laws and EOs. [44 CFR 200.207(c)]

GOHSEP ROLE

We can help.

The **Governor's Office of Homeland Security and Emergency Preparedness** (GOHSEP) has a vested interest in the **success** of your projects and in helping you **keep** eligible funding obligated for your project.

- GOHSEP EHP staff monitors projects to ensure appropriate **implementation**. **Technical support** is available for compliance with FEMA regulations and grant supported activities. [2 CFR 200.328(a)]

HISTORIC JACKSON SQUARE IN NEW ORLEANS, LA



EXCLUSIONS TO ENVIRONMENTAL ASSESSMENTS (EAs)

REVIEW EXCLUSIONS	
STATEX	CATEX
Emergency/critical + essential needs.	<ul style="list-style-type: none"> • Project will not have significant effect on the environment. • FEMA creates a list of project tasks with no adverse effects on EHP concerns. [40 CFR 1500]
Must comply with applicable local + State + Federal regulations.	Stipulations may be attached to the grant to ensure that the project is performed as proposed in compliance with CATEX regulations + all local + State + Federal regulations.
Examples: <ul style="list-style-type: none"> • Emergency debris removal. • Establishing a temporary medical triage/clinic. 	Examples: <ul style="list-style-type: none"> • Window/roof replacement on a non-historic facility. • Procurement of goods/services for emergency operational activities.

Action taken or assistance provided in support of local and State **emergency assistance** efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe [40 CFR 1500] can be **statutorily excluded** (STATEX) from an *Environmental Assessment* (EA).

Other projects may be **categorically excluded** (CATEX) because they are so common and have **little** or **no effect** on environmental and historic preservation concerns. [40 CFR 1500]

FEMA EHP reviews the *Special Considerations Questionnaire* to determine the **level of impact** a proposed project might have on the landscape.

If a project is granted a STATEX or CATEX, the project is allowed to **move forward** through the grant approval process.

PERMITS

Prior to starting work, you must **obtain** and **retain** the appropriate **permits** and **approval letters** from the **respective agencies** for compliance with NEPA requirements. [2 CFR 200.333]

GOHSEP **encourages** Subrecipient (Applicant) to upload all **important grant documentation** to the **documents** tab on the appropriate Louisiana grants management website – LouisianaPA.com or LouisianaHM.com.

These permits must be retained for **future project compliance verification** and grant closeout.

Approvals + permits first
 Do not act first and then seek forgiveness!

Outcomes of EHP review

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

FEMA EHP reviews the proposed project to determine if the undertaking has the potential to pose *adverse impacts* to **protected resources**. If the project work does not pose any known adverse impacts, FEMA issues a record of environmental consideration (REC) and the project is allowed to *move forward* through the approval process.

PROJECT AGREEMENTS

Some projects may *require* certain measures to be taken to meet compliance. FEMA may request the Subrecipient (Applicant) and other stakeholders sign an agreement that specifies measures to take in order to **avoid**, *minimize*, or **mitigate** the adverse effects resulting from the undertaking. For example: FEMA will coordinate programmatic agreements, memorandums of understanding (MOUs), or memorandums of agreement (MOAs) to comply with Federal regulations.

ENVIRONMENTAL ASSESSMENT (EA)

Projects with **complex** concerns to consider require a more **in-depth** project evaluation. In these cases, an environmental assessment (EA) is used to analyze the SOW and consider alternatives.

Regulatory agencies and stakeholders are consulted about possible **impacts** to the protected resources being considered. If the resulting analysis produces no significant impact to the protected resources, then a **finding of no significant impact** (FONSI) is issued under the EA. FEMA **prepares and submits an EA if required** [44 CFR 10.5(a)] and allows the project to **continue** through the approval process.

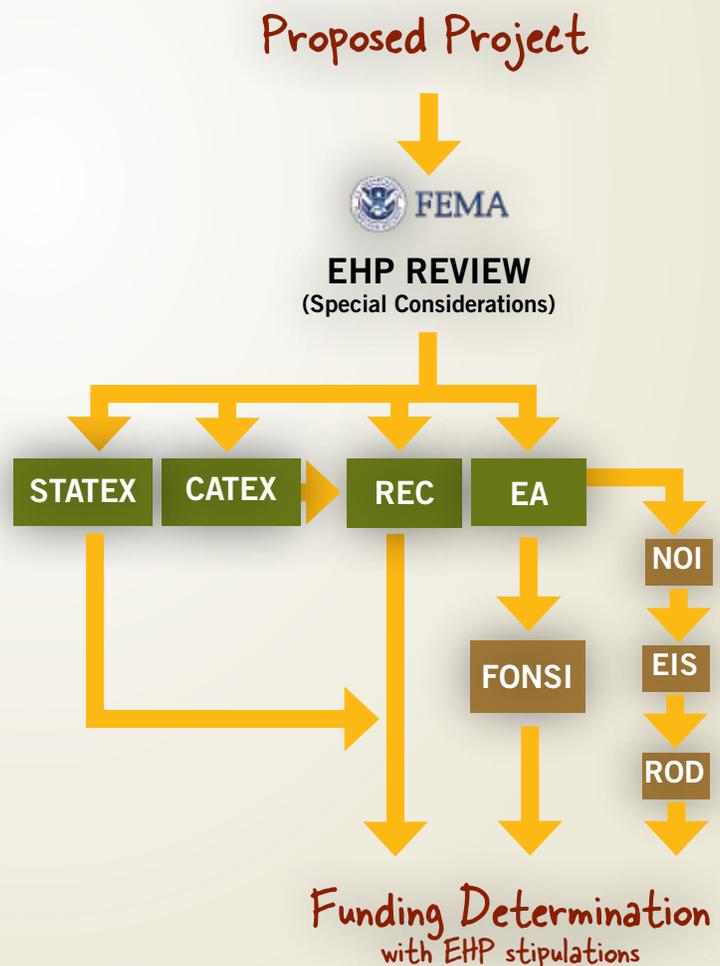
If an EA has a finding of **significant impact**, an environmental impact statement (EIS) will be required. A notice of intent (NOI) to implement an EIS will be issued by the agency through **public notice** and to the Subrecipient (Applicant) stating reasons why an EIS is required.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

An *Environmental Impact Statement* (EIS) is **required** when the project work has an *irreversible* and **negative effect** on **protected resources**, as well as the **community**.

A detailed study of the project's impact to the environment, historic resources, economy and landscape is conducted with **proposed alternatives** identified. This study is open to the public for review and comments.

The final EIS will result in a record of determination (ROD) after all **sensitive issues** are **evaluated**, **studied** and public **meetings** are conducted.



Four (4) Steps to compliance

(Failure to comply can jeopardize funding.)

1 Plan your project with sufficient detail!

Depending on the project, most reviews that require design need sufficient **plans** that include:

- **To-scale drawings**
- **Elevation views**
- **Site location** along with a narrative of the proposed SOW

2 Obtain permits and FEMA approval before proceeding with non-emergency work!

Regardless of the project (STATEX or CATEX included), *all* regulatory permits and **consultation letters** must be obtained **prior** to physical work.

3 Comply with permit requirements!

You must **comply** with *all* stipulations identified in the permits, consultation letters and grant requirements.

4 Retain documentation!

All permits and consultation letters must be **retained** for *future* **project compliance verification** and grant closeout.

You may elect to proceed without FEMA approval. However, failure to meet EHP regulations puts Federal funding at extreme risk.

What else do I need to know?

It is **YOUR** responsibility to have a working knowledge of **AND** comply with local + State + Federal laws, regulations and policy.

ACRONYMS

APE	Area of Potential Effect
CATEX	Category Exclusion
CFR	<i>Code of Federal Regulations</i>
DHS	U.S. Department of Homeland Security
EA	Environmental Assessment
EIS	Environmental Impact Statement
EHP	Environmental and Historic Preservation
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significance Impact
GOHSEP	Governor's Office of Homeland Security and Emergency Preparedness
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NOI	Notice of Intent
REC	Record of Environmental Consideration
ROD	Record of Determination
SOW	Scope of Work
STATEX	Statutory Exclusion

REFERENCES

- 2 CFR
ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
- 40 CFR 1500 –1508
gpo.gov/fdsys/granule/CFR-2011-title40-vol33/CFR-2011-title40-vol33-part-id1102/content-detail.html
- 42 USC
<http://uscode.house.gov/browse/prelim@title42/chapter55&edition=prelim>
- 44 CFR
ecfr.gov/cgi-bin/text-idx?SID=55b626c34d6c81858c72b0fddaaeff48&mc=true&tpl=/ecfrbrowse/Title44/44chapterI.tpl
- Clean Air Act (CAA)*
epa.gov/air/caa/
- Clean Water Act (CWA)*
epa.gov/oecaagct/lcwa.html
- Coastal Barriers Resources Act (CBRA)*
fws.gov/cbra/
- Coastal Zone Management Act (CZMA)*
epa.gov/oecaagct/lzma.html
- Endangered Species Act (ESA)*
fws.gov/ENDANGERED/laws-policies/index.html
- EO 11988 *Floodplain Management*
fema.gov/environmental-planning-and-historic-preservation-program/executive-order-11988-floodplain-management
- EO 11990 - *Protection of Wetlands*
fema.gov/executive-order-11990-protection-wetlands-1977
- EO 12898 - *Environmental Justice*
fema.gov/environmental-planning-and-historic-preservation-program/executive-order-12898-environmental-justice
- EO 13690 – *Flood Risk Standards*
obamawhitehouse.archives.gov/the-press-office/2015/01/30/executive-order-establishing-federal-flood-risk-management-standard-and-farmland-protection-policy-act (FPPA)
ecfr.gov/cgi-bin/text-idx?SID=56ce33b5e99e8b6a50471df99176f272&node=7:6.1.3.6.28&rgn=div5
- Fish and Wildlife Conservation Act (FWCA)*
fws.gov/laws/lawsdigest/fwcon.html
- Louisiana Historic Cemetery Preservation Act*
crt.state.la.us/cultural-development/archaeology/state-legislation/chapter-21-B/index
- Louisiana Unmarked Human Burial Sites Preservation Act*
crt.state.la.us/cultural-development/archaeology/state-legislation/chapter-10-A/index
- National Environmental Policy Act (NEPA)*
epa.gov/compliance/basics/nepa.html
- National Historic Preservation Act (NHPA)*
achp.gov/docs/nhpa%202008-final.pdf
- Resource Conservation and Recovery Act (RCRA)*
<https://www.epa.gov/rcra>



For more information on EHP, contact GOHSEP at 225-925-7500.

Who to call?

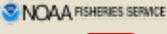


Please use the following contacts for further information on your specific project concerns.

Environmental + historic preservation regulatory agencies

	PROJECT CONCERNS	WHO TO CALL
Historic	<ul style="list-style-type: none"> • Ground-disturbing activities. • Impact to archaeological resources, to include shipwrecks within State waterways. • Impact/repairs to properties – 45 years or older or that have cultural significance to history and eligible for listing on the National Register of Historic Place (NRHP). • Impact to historic districts. • Human remains 50 years or older. • Unmarked + marked cemeteries. 	<ul style="list-style-type: none"> • Louisiana Office of Cultural Development – Louisiana State Historic Preservation Office (SHPO)  • Division of Historic Preservation – Structures and Historic Districts • Division of Archaeology – Ground Disturbance Activities and Discovery Human Remains crt.state.la.us/cultural-development/historic-preservation/ (225) 342-8160
	<ul style="list-style-type: none"> • Discovery of human remains. 	<ul style="list-style-type: none"> • Local Coroner + Police louisianasca.org/parish-offices/
	<ul style="list-style-type: none"> • Activities within or along the boundary of a designated national park. 	<ul style="list-style-type: none"> • National Parks Service (NPS) nps.gov/contacts.htm  • Southeastern Archaeology Center (SEAC) nps.gov/seac/index.htm 
	<ul style="list-style-type: none"> • Conflicts associated with: <ul style="list-style-type: none"> - Archaeological discoveries. - Inadvertent discovery of human remains. - Unmarked burials. 	<ul style="list-style-type: none"> • Louisiana Governor’s Office of Indian Affairs gov.louisiana.gov/page/indian-affairs (225) 219-8715
	<ul style="list-style-type: none"> • Conflicts associated with: <ul style="list-style-type: none"> - Impact to historic properties. - Impact to archaeological resources. - Unmarked burials. 	<ul style="list-style-type: none"> • Advisory Council of Historic Places (ACHP) achp.gov 
	<ul style="list-style-type: none"> • Unmarked cemeteries. • Human remains. 	<ul style="list-style-type: none"> • Louisiana Attorney General (225) 326-6079 https://www.ag.state.la.us
Environmental	<ul style="list-style-type: none"> • Impact to navigable water-ways and tributaries to include lakes/ponds + stock tanks + mining pits. • Wetlands/floodplains. 	<ul style="list-style-type: none"> • U.S. Army Corps of Engineers (USACE) https://www.usace.army.mil 
	<ul style="list-style-type: none"> • Bridges over navigable water-ways. 	<ul style="list-style-type: none"> • U.S. Coast Guard (USCG) https://www.uscg.mil (225) 298-5400 
	<ul style="list-style-type: none"> • Impact within wetlands/floodplains. • Flood elevation requirements. 	<ul style="list-style-type: none"> • Local Floodplain Manager lfma.org 
	<ul style="list-style-type: none"> • Impact to natural + scenic rivers. • Hazardous material spills. 	<ul style="list-style-type: none"> • Louisiana Department of Transportation and Development (DOTD) http://wwwsp.dotd.la.gov/Inside_LaDOTD/Pages/Contact_Us.aspx (877) 452-3683 
	<ul style="list-style-type: none"> • Environmental justice – impact to minority + low income populations. 	<ul style="list-style-type: none"> • U.S. Department of Justice (202) 514-2000 http://www.justice.gov 
	<ul style="list-style-type: none"> • Conflicts associated with: <ul style="list-style-type: none"> - Impacts to the natural environment. - Remediation of contaminants. 	<ul style="list-style-type: none"> • Environmental Protection Agency (EPA), Council of Environmental Quality epa.gov/nepa/forms/contact-us-about-national-environmental-policy-act 

Environmental + historic preservation regulatory agencies

PROJECT CONCERNS		WHO TO CALL	
Environmental	<ul style="list-style-type: none"> Wetlands/floodplains. Endangered species – threats to the wildlife + fishery. Impact to coastal barrier resources. Impacts to coastal zone resources. 	<ul style="list-style-type: none"> Louisiana Department of Wildlife and Fisheries (LDWF) wlf.louisiana.gov/ (225) 765-2800 Environmental Protection Agency (EPA), Council of Environmental Quality https://www.epa.gov/compliance Louisiana Department of Natural Resources (LDNR) wlf.louisiana.gov/ (225) 765-2800 U.S. Fish and Wildlife Services (USFWS) fws.gov/offices/Directory/ListOffices.cfm?statecode=22 	   
	<ul style="list-style-type: none"> Hazardous spills. 	<ul style="list-style-type: none"> Louisiana State Police (LSP) lsp.org/contact.html Louisiana Department of Transportation and Development (DOTD) http://wwwsp.dotd.la.gov/Inside_LaDOTD/Pages/Contact_Us.aspx (877) 452-3683 Louisiana Department of Environmental Quality (LDEQ) deq.louisiana.gov (866)-896-LDEQ Environmental Protection Agency (EPA), Council of Environmental Quality https://www.epa.gov/compliance 	   
	<ul style="list-style-type: none"> Endangered marine species. Disposal of dredged soil. 	<ul style="list-style-type: none"> National Marine Fisheries Service (NMFS) www.noaa.gov U.S. Army Corps of Engineers (USACE) https://www.usace.army.mil U.S. Fish and Wildlife Services (USFWS) fws.gov/offices/Directory/ListOffices.cfm?statecode=22 	  
	<ul style="list-style-type: none"> Protection of farmlands. Impact to coastal zone resources. Coastal use permits. 	<ul style="list-style-type: none"> U.S. Department of Agriculture (USDA) usda.gov/wps/portal/usda/usdahome?navtype=MA&navid=AGENCIES_OFFICES National Resources Conservation Service http://www.nrcs.usda.gov 	
	<ul style="list-style-type: none"> Impact to drinking water. 	<ul style="list-style-type: none"> Louisiana Department of Health and Hospitals (DHH) http://new.dhh.louisiana.gov (225) 342-9500 Louisiana Department of Environmental Quality (LDEQ) www.deq.louisiana.gov (866)896-LDEQ 	 
	<ul style="list-style-type: none"> Cremation + burial of animal carcasses. Animal carcasses. Termite infested demolition properties. 	<ul style="list-style-type: none"> U.S. Department of Agriculture (USDA) usda.gov/wps/portal/usda/usdahome?navtype=MA&navid=AGENCIES_OFFICES Louisiana Department of Environmental Quality (LDEQ) www.deq.louisiana.gov (866) 896-LDEQ Louisiana Department of Agriculture and Forestry (LDAF) (225) 922-1234 	  
	<ul style="list-style-type: none"> Debris + solid waste disposal. Hazardous materials + hazardous waste. Contaminants + discharges + spills. Cremation of animal carcasses. 	<ul style="list-style-type: none"> Louisiana Department of Environmental Quality (LDEQ) www.deq.louisiana.gov (866) 896-LDEQ Environmental Protection Agency (EPA), Council of Environmental Quality https://www.epa.gov/compliance 	 

DISCLAIMER – Subrecipient (Applicant) is required to comply with all local, State and Federal laws, regulations and policies regardless of whether concerns are referenced or not. Example: Local tree protection ordinances may be imposed by Parish and city government agencies and is not referenced under this brochure. Many laws and regulations require compliance regardless of FEMA funding like the Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA) and National Flood Insurance Program (NFIP). This brochure is to offer assistance only and should not be considered all inclusive.

Alternate and Improved projects

PURPOSE OF THIS PUBLICATION

To **inform** Subrecipients (Applicants) using Federal disaster recovery funds, of **options to build back smarter** when developing their projects.

INTENDED AUDIENCE

This publication is intended for those **applying** for and/or **receiving** recovery funding grants through the **Federal Emergency Management Agency (FEMA) Public Assistance (PA)** program, which includes local and State government agencies, Federally recognized **Tribal governments** and eligible **private nonprofit (PNP)** organizations.



So, what's next?

- ✓ **Review** your **Project Worksheets (PWs)**.
- ✓ **Determine** if you want to **rebuild** or **restore** in kind or consider something different.
- ✓ If considering **Alternate** or **Improved projects**, **identify** what you want to do.
- ✓ **Talk** to your GOHSEP **State Applicant Liaison (SAL)** to formulate an Alternate/Improved (A/I) project request and complete the *Special Projects Checklist*.
- ✓ **Submit a letter** to the **State Coordinating Officer (SCO)** along with the *Special Projects Checklist*. Your letter should include:
 - Which **original projects** you want to include.
 - Any **supporting documentation** for your proposed A/I project. Include **drawings, sketches, maps** and any other available **details** of your project plans.



ST. BERNARD IMPROVED PROJECT – CHANGING A ONE-STORY FIRE STATION TO A TWO-STORY FIRE STATION

Do you want options?

After a disaster, our focus is to return our **lives, businesses** and **communities** to what they were pre-disaster or pre-event. FEMA and the Governor's Office Of Homeland Security and Emergency Preparedness (GOHSEP) help Subrecipients (Applicants) respond to and recover from major disasters declared by the President through PA grants.

Do you want to rebuild smarter – better, different, stronger? You have options.

IF YOU ANSWERED **"YES"** TO THE ABOVE QUESTION . . .

THERE IS GOOD NEWS!

The FEMA PA program allows you to use grant funding from disaster damages in ways that better meet your community's recovery needs.

You have **two (2)** options that may help you **better** utilize your project funding . . . an **Alternate** or an **Improved** project. [44 CFR 206.203(d) and PAPPG]



ALTERNATE PROJECT – USE FUNDS FROM OUTDATED STORM DAMAGED AIRPORT TO EXPAND A WASTE WATER TREATMENT FACILITY

WHAT ARE A/I PROJECTS?

An **ALTERNATE** project is the use of your obligated grant funding for use on **other community needs or priorities**, such as:

[44 CFR 206.203(d)(2)]

- **Constructing new** public facilities.
- **Repairing** or **expanding** other public facilities.
- **Purchasing capital equipment** over \$5,000 (e.g. buses, backhoes, ambulances, police cars, fire trucks, etc.).
- Funding mitigation measures on **non-damaged** elements.

An **IMPROVED** project **restores** pre-disaster function and capacity of a damaged facility and further **enhances** the facility.

[44 CFR 206.203(d)(1)]

Some examples include:

- **Laying asphalt** on a gravel road.
- **Expanding a facility** such as two (2) bays to three (3) bays on a damaged fire house.
- **Adding a heliport** to a repaired hospital.
- **Upgrading** capital equipment such as replacing a 10 year-old bus with a new bus.

NOTE: **Incremental costs** – cost beyond returning a disaster-damaged eligible facility to its pre-disaster function and capacity – are funded by the Subrecipient (Applicant).

Do not begin work on an Alternate or Improved Project until approval is received from the State and/or FEMA.

To be eligible for the Alternate/Improved (A/I) funding option, your Project Worksheet (PW) must be for permanent work.

PERMANENT WORK CATEGORIES

C
D
E
F
G

- Roads + Bridges
- Water Control Facilities
- Buildings + Equipment
- Utilities
- Parks + Recreational + Other

When reviewing your recovery needs, consider the following to decide which option [Alternate Project or Improved Project] may work best for you.

ALTERNATE PROJECT

You should request an **Alternate Project** if:

- ✓ Your **damaged facility** is no longer needed by the community and you want to use the funding for a **different facility**.

EXAMPLE: Tearing down an administrative building to create a much needed water treatment plant.

- ✓ Your **damaged equipment** is no longer needed but the community needs **other equipment**.

EXAMPLE: Buy new ambulances instead of replacing damaged fire trucks.

- ✓ You want to **use funding** from damaged facilities or equipment to **restore** an existing facility, **build a new** or different facility, **purchase new** equipment or any combination.

EXAMPLE: Purchasing buses instead of rebuilding a facility.

IMPROVED PROJECT

You should request an **Improved Project** if:

- ✓ You want to **increase** the **size** of the **facility**.

EXAMPLE: Adding a cafeteria or additional classrooms to a damaged school.

- ✓ You want to **move** a school or fire station due to **demographic changes**.

EXAMPLE: Move a fire station across town to better support an increased population.

- ✓ You want to **restore** or **rebuild** a damaged facility plus add **enhanced features** or materials.

EXAMPLE: Adding solar panels to a restored facility; adding asphalt to a gravel road; rebuilding a damaged timber bridge with a concrete structure.



DAMAGED FACILITY



NEW BUSES



GRAVEL ROAD



ADDING ASPHALT

Things you must know that will impact your A/I project selection

	Alternate	Improved
Authorized Funding	<p>For governmental entities, the amount of dollars available for your Alternate Project is equal to 90% of the original obligated PW.</p> <p>For PNPs, the amount of dollars available for your Alternate Project is equal to 75% of the original obligated PW.</p> <p>Insurance: You are not required to apply funds received from insurance on the original facility towards the Alternate Project.</p>	<p>All Subrecipients (Applicants) that request an Improved Project are limited to the obligated dollars stated in your PW.</p> <p>Funding for such projects is limited to the Federal share of the costs that would be associated with repairing or replacing the damaged facility to its pre-disaster design, or to the actual costs of completing the Improved Project, whichever is less.</p> <p>Insurance: You are required to apply funds received from insurance on the original facility towards the Improved Project.</p>
406 Hazard Mitigation (HM)	<p>If your original project contains funding for 406 HM, those funds will not be transferred to the Alternate Project.</p>	<p>If your original facility was eligible for repair, FEMA may provide 406 HM funds which transfer to the Improved Project.</p> <p>Replacement and relocated facilities are not eligible for 406 HM funds.</p>
Funding Usage	<p>Funds for an Alternate Project may not be used for operating costs.</p> <p>If you decide to build a new facility or repair a different facility, you must make the original facility safe and secure, or sell or demolish the facility.</p> <p>Funds for an Alternate Project can be combined with a grant from another Federal agency.</p> <p>Alternate Project funding cannot be used to meet the FEMA PA non-Federal cost share.</p>	<p>Funds for an Improved Project must be used to restore the facility to pre-disaster function and, at a minimum, pre-disaster capacity.</p> <p>Funds for an Improved Project can be combined with a grant from another Federal agency.</p>
Approvals	<p>PRIOR to beginning any construction on either an Alternate or Improved project, you must have FEMA's Environmental and Historic Preservation (EHP) review completed.</p>	

ACRONYMS

A/I	Alternate/Improved
CFR	Code of Federal Regulations
EHP	Environmental and Historic Preservation
FEMA	Federal Emergency Management Agency
GOHSEP	Governor's Office of Homeland Security and Emergency Preparedness
HM	Hazard Mitigation
PA	Public Assistance
PNP	Private Nonprofit
PW	Project Worksheet
SAL	State Applicant Liaison
SCO	State Coordinating Officer

REFERENCES

44 CFR

http://www.ecfr.gov/cgi-bin/text-idx?SID=e1deb7aaa23bd920bbd362fe325adcf2&mc=true&tpl=/ecfrbrowse/Title44/44cfrv1_02.tpl#0

FEMA *Public Assistance Program and Policy Guide* (PAPPG) – FP 104-009-2 / April 2017
fema.gov/media-library/assets/documents/111781



**For more information or help with your A/I questions,
contact GOHSEP at 225-925-7500**

Alternate/Improved (A/I) project checklist

1
2
3

ITEMS IN THE PACKAGE SHOULD FOLLOW THE ORDER OF THE CHECKLIST.	
PROJECT TYPE	
<input type="checkbox"/> Alternate Project	<input type="checkbox"/> Improved Project
DISASTER	
<input type="checkbox"/> DR # _____	
PROJECT/CONSTRUCTION DATA	
<input type="checkbox"/>	Applicant Name _____
<input type="checkbox"/>	FIPS # _____
<input type="checkbox"/>	Proposed Project Address _____
<input type="checkbox"/>	Four (4) Corner Coordinates of the Proposed Project _____
<input type="checkbox"/>	Applicant Request Letter to GOHSEP
<input type="checkbox"/>	List of donor Project Worksheet (PW) Number(s) _____ _____
<input type="checkbox"/>	Vicinity map showing proposed location, disturbed areas, waterways and wetlands
<input type="checkbox"/>	Map or drawing showing existing footprint and proposed footprint
<input type="checkbox"/>	New Special Consideration Form (9 Questions) for A/I Project Request
<input type="checkbox"/>	New Scope of Work (SOW) for Proposed Project, including any available costs, plans, specifications, contracts, functional area square footage comparisons between damaged and proposed facilities, and additional information as requested by GOHSEP/FEMA
<input type="checkbox"/>	Explanation of all ground disturbing activities including maximum depth, if applicable (digging, excavation, structure removal, soil replacement, site work, access roads, staging areas)

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SUPPORTING DOCUMENTATION	
<input type="checkbox"/>	Copies of all Federal and State environmental and regulatory permits and approvals and/or other relevant documentation (e.g., environmental site assessments or Phase I environmental baseline surveys or other environmental reports) (if applicable and available)*
<input type="checkbox"/>	Documentation of consultation with the State Historic Preservation Officer (SHPO) and/or other relevant State and local agencies by Subrecipient (Applicant), State or FEMA personnel (if applicable and available)*
<input type="checkbox"/>	Projected construction project schedule (timeline) from approval to completion (if applicable)*
<input type="checkbox"/>	Copies of Project Worksheets (PWs) and applicable photos (clear pictures or digital format)
<input type="checkbox"/>	Copies of insurance settlement documents (particularly Statements of Loss), including adjuster estimate of damages

*Information not required for equipment or contents projects

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CONTACT (NAME/PHONE)	
<input type="checkbox"/>	State Applicant Liaison (SAL) _____
<input type="checkbox"/>	FEMA PA Coordinator (PAC) _____

